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PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

HARYANA ELECTRICITY REGULATORY COMMISSION

BAYS NO. 33-36, SECTOR-4, PANCHKULA-134113, HARYANA

Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014,
(2nd Amendment) Regulations, 2019

Notification

The 8th January, 2020

Regulation No. HERC/29/2014/2nd Amendment/2019.— The Haryana Electricity Regulatory Commission, in exercise of the powers conferred on it by Section 50 of Sub-section (2) of Section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, makes the following regulations to amend the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 including 1st Amendment dated 17th November, 2014 (hereinafter referred to as 'the Principal Regulations').

1. Short title, Commencement, and Interpretation

- 1.1 These Regulations shall be called the Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 (2nd Amendment) Regulations, 2019.
- 1.2 These Regulations shall come into force with effect from the date of their publication in the Haryana Government Gazette.
- 1.3 These Regulations shall extend to the whole of the State of Haryana.

2. Amendment to the Regulation 2.3

- 2.1 Existing Regulation 2.3(20) shall be substituted with the following: -
(20) "*consumer premises*" means land, building or structure or part or combination, thereof in respect of which a separate meter or metering arrangements have been made by the licensee for supply of electricity **and does not include the outside face of the boundary wall of the consumer premises**;
- 2.2 Insertion of a new Proviso in Regulation 2.3(43): A new Proviso in the Regulation 2.3 (43) shall be added as under: -
Provided that "smart meter" means an alternating current static watt hour meter with time of use registers, internal connect and disconnect switches with two way communication capability;

3. Amendment to the Regulation 3.2.2

Existing Regulation 3.2.2 shall be substituted with the following:—

3.2.2 *In case where supply, depending upon the technical conditions of the transmission/ distribution system and / or the requirement of the consumer, has to be given at a voltage other than specified in Regulation 3.2.1/ approved plan, the licensee may accept the request of the applicant with the approval of the Commission.*

Further, in case 33KV voltage level is not available in the area of supply than load above 5 MV A upto 8 MV A may be served through 11 KV feeder with appropriate type/ size of conductor. Provided, the difference of cost of 33 KV substation at the consumer end along with its connectivity from the distribution/ transmission licensee's substation including the bay and the actual cost of connection of 11 KV is borne by the consumer. Provided further that, in case intermediate voltage level between 33 KV and 220 KV is not available in the area of supply of the licensee, the load upto 37.5 MVA may be served through 33 KV feeder with appropriate type size of conductor provided the difference of cost of substation as per Regulation 3.2.1 at the consumer end along with its connectivity from the distribution / transmission licensee's substation including the bay and the actual cost of connection on 33KV is borne by the consumer.

4. Amendment to the Regulation 4.4

4.1 Insertion of a new Proviso in Regulation 4.4.1 (8) (b) (i):

A new Proviso in' the Regulation 4.4.1(8) (b) (i) shall be added as under:

Provided that in case of change of ownership due to execution of sale deed/ re-allotment letter and /or executing fresh lease, deed or rent deed, copy of such amended document shall be submitted to the Licensee within one month of such modification.

4.2 Existing Regulation 4.4.3 (2) (a) shall be substituted with the following:

4.4.3 *Issue of demand notice*

...

(2) *The demand notice shall include the following details:*

(a) *Details of the works (including service line) from the nearest point of the Licensees' distribution system (appropriate feeder/Substation in case of supply is to be provided through Independent feeder) to be undertaken for providing electric supply.*

4.3 Note given under Regulation 4.4.3 (2)(c) shall be substituted with the following:

Note:- *In case of LT connections (other than domestic supply connections), where the transformer has been installed by the consumer and is exclusively for his supply, the transformer if and when required to be replaced/ repaired for any reason including theft, shall be so replaced/repaired by sharing 20% of the cost by the consumer and 80% by the licensee except when the damage is due to natural events including cyclone, floods, storms or other occurrences beyond consumer's control, in which case the licensee shall bear the entire cost of repair/ replacement.*

Provided that if the applicant chooses to get the work done at his cost, the licensee shall charge only supervision charges at the rate of 1.5% of the estimated cost of such works as are to be finally handed over to the distribution/ transmission licensee or as approved by the Commission.

Provided further that if the applicant chooses to get the work done on his own, he shall get the work done within the timeframe specified under Regulations 4.4.6 and 4.4.7, subject to proviso under Regulations 4.4.4 (5) and 4.4.7, failing which the licensee may, on giving 15 days' notice, treat the application for supply as cancelled.

5. Amendment to the Regulation 4.7

Insertion of a new clause under Regulation 4.7.3(3):

After Regulation 4.7.3(3), a new Regulation 4.7.3(4) shall be added as under:—

4.7.3

...

(4) *In case, legal heir fails to process his/ her application for change of name with the distribution licensee within a period of one year or six months from the notification of these Regulations, penalty amounting to Rs. 100/- per month subject to maximum of Rs. 1,000/- thereafter may be imposed for such default.*

6. Amendment to the Regulation 4.15

Existing Regulation 4.15.3 (4) and 4.15.3 (5) shall be substituted with the following:—

4.15.3

...

(4) The equipment including meter, meter board, service main, miniature circuit breaker (MCB)/ circuit breaker (CB), load limiters must on no account be handled or removed by any person who is not an authorized employee/ representative of the licensee. Seals which are fixed on the meters/ metering equipment, load limiters and the licensee's apparatus, must on no account be tampered with, damaged or broken. It is the consumer's responsibility to keep in safe custody the licensee's equipment and seals on the meters/ metering equipment within the consumer's premises.

(5) In the event of any damage caused to the licensee's equipment, other than meter, within the consumer's premises by reason of any act, neglect or default of the consumer or his employees, the cost thereof, as claimed by the licensee, shall be payable by the consumer. If the consumer fails to do so after demand, it shall be treated as a contravention of the terms and conditions of supply agreement and the electricity supply is liable to be disconnected.

7. Amendment to the Regulation 5.1

Insertion of a new clause under Regulation 5.1.4:

After Regulation 5.1.4(4), a new Regulation 5.1.4(5) shall be added as under:—

(5) The distribution licensee, with the approval of the Commission, shall arrange to install smart meters, in its area, in a phased manner within the time lines specified in the National Tariff Policy, 2016.

8. Amendment to the Regulation 5.2

8.1 Existing Regulation 5.2.2 shall be substituted with the following:—

5.2.2 If the meter is supplied by the Licensee, the Licensee shall be entitled to charge an amount equal to the cost of meter, as per cost data book of previous financial year, which shall be recovered as part of the demand notice.

In case the meter is not available with the Licensee, the consumer may provide the same to the Licensee along-with meter testing fee.

In both the cases, cost of meter shall be borne by the consumer and no Meter Security and Meter Rental shall be payable.

8.2 Existing Regulation 5.2.3 shall be substituted with the following:—

5.2.3 The consumer meter shall be installed by the licensee either at consumer premises or outside the premises:

Provided that where the licensee installs the consumer meter outside the consumer premises, then the licensee on a request from consumer shall provide at the cost of the consumer a real time display unit in the premises of the consumer to indicate the electricity consumption for his information.

9. Amendment to the Regulation 5.3

Existing Regulation 5.3.1 (2) shall be substituted with the following:—

(2) The consumer shall be deemed to be responsible along with the licensee for proper functioning and upkeep of the meter. In case the meter is installed inside the consumer premises and the same is found physically damaged by human intervention, the consumer shall bear the cost of its replacement. However, if the meter is placed outside the consumer's premises, then the cost of replacement shall be borne by the licensee and the consumer in the ratio 80:20.

10. Amendment to the Regulation 5.7

Existing Regulation 5.7 shall be substituted with the following:—

5.7 Cost of Replacement of Defective/Burnt/Lost Meters

5.7.1 *The defective/ burnt meter will be inspected and tested by the licensee.*

5.7.2 *If, as a result of testing it is established that the meter, installed inside or outside of the consumer premises became defective/ burnt due to technical reasons including voltage fluctuation, transients, attributable to the licensee or due to natural events including heavy rain, cyclone, floods, storms,*

earthquakes, the cost of the meter shall be borne by the licensee i.e the meter shall be replaced by the licensee free of cost.

5.7.3 If, as a result of testing, it is established that the meter, **installed inside or outside the consumer premises**, was rendered defective/ burnt due to reasons attributable to the consumer including defect in consumer installation, connection of unauthorized load by the consumer, the cost of the meter shall be borne by the consumer as specified below: -

(a) If the meter was owned by the consumer, the licensee shall inform the consumer to provide a new meter and associated equipment for testing within 7 days, after which the licensee shall install new meter at its own cost and shall charge the cost of meter through the bill, as per cost data book.

(b) If the meter was owned by the licensee, the licensee shall install a new meter at its own cost and shall recover the replacement cost of the defective meter from the consumer:

Provided that if, as a result of testing, it is established that the meter was rendered defective/ burnt due to tampering or any other deliberate act by the consumer to interfere with the meter, action as permissible under law shall also be taken against the consumer for pilferage and tampering.

(c) If, as a result of investigation by Police or duty magistrate, it is established that the meter, **which is installed either inside or outside the consumer premises**, was rendered defective/burnt due to reasons attributable to the **public outrage, sabotage or any other similar reasons**, the cost of the meter shall be borne by the licensee.

Provided that if as a result of investigation by police or otherwise it is established that the meter was rendered defective/ burnt due to activities instigated by a particular consumer/ third party deliberate act to interfere with the meter, action as permissible under law shall also be taken against the consumer/third party for pilferage, tampering and theft of meter, as the case may be.

5.7.4 If a consumer disputes the results of testing, the meter shall be tested at a third-party facility selected by the consumer from the list of third-party testing facility approved by the licensee/ Commission.

Provided that in case of testing on the consumer's request, the consumer shall have to pay the prescribed testing fee

Provided further that if the meter is found to be defective/ burnt due to technical reasons attributable to the licensee including voltage fluctuation, transients, the licensee shall refund the testing fee to the consumer by adjustment in the subsequent bill

5.7.5 In case of theft of meter, if it was installed inside the consumer premises, the cost of new meter and other apparatus shall be borne by the consumer. If, however, the meter was installed outside the premises the entire cost of replacement shall be borne by the licensee.

11. Amendment to the Regulation 6.1

11.1 Existing Regulation 6.1.1 shall be substituted with the following:—

6.1.1 The periodicity of the meter reading/ billing for various categories of consumers shall be as under:—

Consumer Category	Periodicity of meter Reading/billing
Non-Domestic upto 20 kW/Domestic/Bulk Domestic Supply	Bimonthly
Agriculture-whether metered or at flat rate	Four Months
All other categories	Monthly

Provided that periodicity of meter reading/ billing in case of pilot project may be changed in respect of specific area of licensee with the prior approval of the Commission.

11.2 Insertion of a new clause under Regulation 6.1.4:

After Regulation 6.1.4, a new Regulation 6.1.5 shall be added as under:—

6.1.5 In case consumer opts for e-bill service i.e. sending of bills through email only by forgoing the option of paper bill, A rebate of Rs. 5 per electricity bill or as decided by the Commission from time to time shall be admissible

12. Amendment to the Regulation 6.4

Existing Regulation 6.4.1 shall be substituted with the following: -

6.4.1 *The due date of payment of the billed amount (as mentioned in the bill) will be as under.*

<i>In case of spot billing/bills sent through e-mail:</i>	<i>It will be 7 (seven) days where billing is monthly and 10 (ten) days where billing is bimonthly, from the date of issue of bills.</i>
<i>In other cases:</i>	<i>It will be 14 (fourteen) days where billing is monthly and 17 (seventeen) days where billing is bimonthly, from the date of issue of bills.</i>
<i>In case of Government departments and local bodies except Domestic/Non-Domestic supply categories.:</i>	<i>It will be 20 (twenty) days from the date of issue of bills.</i>

13. Amendment to the Regulation 9.3

Insertion of a new clause under Regulation 9.3.6

After Regulation 9.3.6, a new Regulation 9.3.7 shall be added as under:

9.3.7 Agriculture supply (metered/un-metered)

If the connected load of a, consumer is detected to be exceeding by more than 10% of the sanctioned load, the excess load shall be treated as unauthorized load. Wherever use of unauthorized load is detected by the Licensee, a penalty on the excess load including 10% shall be charged at the rate Of Rs. 500/- per BHP or part thereof per month for the preceding six months or for the period from the date of last checking or from the date of release of connection whichever is less~ The consumer shall maintain its sanctioned load and will have to submit fresh test report to this effect. The penalty shall remain chargeable only up to the month of submission of requisite documents/ test report.

The consumer should either remove the additional load or get the same regularized after completing the formalities for extension of load as per Regulation 4.12.

14. Amendment to the Regulation 15

Existing Regulation 15 shall be substituted with the following: -

15.1 Complaints redressal system

Complaints redressal system/procedure shall be as per the Haryana Electricity Regulatory Commission (Guidelines for establishment of Forum for Redressal of Grievances of the Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations, 2019 read with subsequent amendment, or reenactment thereof, if any.

15.2. Compensation/penalty for delay

The person/ consumer aggrieved with non-adherence of time lines specified therein in the Regulations with respect to a particular work, may seek remedy to get the compensation/penalty from the distribution licensee as specified under the Haryana Electricity Regulatory Commission (Standards of Performance for the Distribution Licensee) Regulations, 2004 read with amendments or its re-enactment thereof, if any.

By the Order of the Commission

Secretary

Haryana Electricity Regulatory Commission